

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

CRAIG SHIPP

PLAINTIFF

VS.

NO. 4:18-CV-0417 SOH

CORRECT CARE SOLUTIONS, LLC,
DR. LORENE LOMAX, DR MIMO LEMDJA,
KIMBERLY HOFMANN, LENORA PHILSON,
KINDALL SMITH, DIANE CUNNINGHAM,
MELISSA STONER, STEVE ARNOLD

DEFENDANTS

ORAL DEPOSITION

OF

CRAIG SHIPP

TAKEN NOVEMBER 14, 2018, AT 10:06 A.M.

Conway Court Reporting

Post Office Box 2188

Conway, Arkansas 72033

www.conwaycourtreporting.com

"Spoken to written . . . word for word"

Conway Office: 501.679.1488 Little Rock Office: 501.319.4807



1 know, make sure your shoes are laced up tight, they're, you
2 know, all the way back, and your socks are not gathered up.
3 That's basically, you know, what you can do with it.

4 Q Okay. Did she give you any type of prognosis for how your
5 foot would be over the years?

6 A Continually, you know, getting worse.

7 Q Okay. Did -- you know, I know it's -- I saw records,
8 there were numerous references that you couldn't feel ulcers
9 and things?

10 A Yes.

11 Q So at some point you developed neuropathy that kind of --

12 A That's the -- yeah.

13 Q And is that -- that's an offshoot of diabetes; is that
14 right?

15 A Neuropathy is and so is the nerve pain. You lose basic
16 feeling in your feet, but the nerve pain is something that is
17 just kind of hard to describe. You have to experience it and I
18 hope you don't.

19 Q Okay. And that's something that's separate from -- so
20 that's separate from the ulcer, you just --

21 A It could be --

22 Q You can have no ulcer or have an ulcer, but still have
23 that nerve pain?

24 A Have the nerve pain, exactly.

25 Q And you can't tell when that's coming, it could --

1 A No.

2 Q -- you could be in bed at night?

3 A I can be in bed at night, or I can be sitting down, or I'm
4 sitting down and I will raise my foot up, you know. It feels
5 like you're being shocked or stuck with something, a sharp
6 object.

7 Q Okay. That's what I was -- so it's like a shooting pain?

8 A Yes.

9 Q Is it drastic and then stops? I mean --

10 A Yeah. They can do that and then it can go on for, you
11 know, all day, it can -- I will go sometimes a week and it
12 won't bother me, and then I will go a week where you -- you
13 know, the Gabapentin doesn't really do a whole lot for it.

14 Q Okay. Have you taken anything else besides Gabapentin?

15 A No.

16 Q Okay. Sometimes the Gabapentin does work for that?

17 A I guess. I mean, the pain, you know, it comes and goes.
18 But most of the time it was way worse before then, before the
19 Gabapentin.

20 Q Okay. So that's separate and apart from when you have
21 ulcers?

22 A Yes.

23 Q And it was separate and apart from your charcot foot?

24 A Yes.

25 Q So it's just one more thing that you've having to deal

1 **with?**

2 A Basically.

3 **Q Okay. I'm curious. I've heard of phantom pain when you**
4 **lose a limb. Do you still -- do you have that phantom pain?**

5 A Every now and then I can. I will have an itch on -- you
6 know, a spot on -- I can even feel like the exact spot, you
7 know, like it's in between these toes or something.

8 **Q Uh-huh.**

9 A It's crazy. I had always heard of that and laughed at
10 people, you know, that had, you know, amputations and I would
11 say, oh, come on.

12 **Q Yeah.**

13 A But it's true.

14 **Q Okay. That -- I mean, it's interesting. I mean, not for**
15 **you, that's terrible for you, but I've always been curious**
16 **about it. Okay.**

17 Were you given instructions for how to handle your
18 **diabetes to maybe keep your foot -- you from having trouble**
19 **with that right foot that already had the charcot foot?**

20 A Just take the Metformin. And my diabetes, like your A1C,
21 it runs fairly well.

22 **Q Okay. All right. So that's good for your foot care to**
23 **have your A1C running well?**

24 A Yes.

25 **Q Okay. Now, how many ulcers did you have on that right**

1 foot up to -- you know, before you went into SWACCC?

2 A Over the years?

3 Q Yes, sir.

4 A Maybe two, three.

5 Q Okay. And how many had you had on that left foot before
6 -- because I know you've had an amputation?

7 A Just the one really.

8 Q Just -- really? Okay.

9 A It got the infection in the bone and it come off.

10 Q Okay. So am I correct that you had an orthotic for your
11 left foot due to the loss of toe, and you had an orthotic in
12 the right foot due to the charcot foot?

13 A Yes.

14 Q Okay. So that -- I mean, they were for different
15 purposes?

16 A The left foot is basically they put toe filler for
17 your --

18 Q Okay.

19 A -- what they call toe filler for your shoe, but.

20 Q Does that help with balance?

21 A No. It just helps the shoe really --

22 Q Okay.

23 A -- basically is what it does.

24 Q Okay. I imagine that would probably keep you from tipping
25 forward on your other toes?

1 A No, if that's what it says.

2 Q Okay.

3 A I just can't remember or recall it.

4 Q Well, it's been almost three years.

5 A Yeah.

6 Q Okay. Now, do you remember going back and actually being
7 evaluated by Dr. Lemdja a few days later?

8 A No, I don't remember.

9 Q It -- just the intake, the health and physical?

10 A The intake, health and physical were done by -- you had
11 your dentist, you know, come in and look at your teeth. And I
12 can't remember if it was Dr. Lemdja that day or Dr. Lomax --

13 Q Okay.

14 A -- if it was her I saw.

15 Q All right. And when Dr. Lemdja saw you when you were --
16 during your encounter with Ms. Kindall -- and that's Kindall
17 Smith --

18 A Yes.

19 Q -- that was with regard to your left foot?

20 A Yes.

21 Q All right. So after your health and physical, which if
22 the records reflect that was Dr. Lemdja, would that be --

23 A That would be fine.

24 Q Okay.

25 A Like I said it's been almost three years.

1 Q Yes, sir. Yes, sir. I understand. Do you recall seeing
2 Dr. Lemdja for anything to do with your feet after that?

3 A I think I had to see her one other time because Dr. Lomax
4 was, you know, out and she was like covering for her.

5 Q Okay. And was that with regard to complaints of
6 neuropathy in your hands?

7 A I think so. I think she was the one, you know, I did
8 complain about that.

9 Q Okay. And she's the one that prescribed the Gabapentin?

10 A Yes.

11 Q Okay. And then that was it as far as your encounters with
12 Dr. Lemdja, that you recall?

13 A That I recall, yeah.

14 Q All right. So let's move on to Dr. Lomax. I think a few
15 days later is when you started having trouble with your right
16 foot; is that correct?

17 A I believe so.

18 Q Or maybe a week?

19 A Maybe a week. I think it was longer than that.

20 Q Okay. So what do you remember about your right foot,
21 going into Medical with the problem with your right foot and
22 the people that you talked to?

23 A What do I remember about it?

24 Q Yes, sir.

25 A They're -- most of them are saying, yeah, you do need the

1 shoes.

2 **Q Okay.**

3 A You can -- they could see, you know, I have a valid, you
4 know reason for the shoes to be allowed in.

5 **Q Okay. Well, did they tell you the steps that they were**
6 **going to have to take to get you your shoes?**

7 A They said file a request with the warden.

8 **Q Okay.**

9 A And undoubtedly, you know, it would be sent back that
10 Medical has to approve.

11 **Q Okay. And Medical did approve it; is that right?**

12 A I was never told how it got approved, but how they
13 eventually got in there. I think so, because they were all,
14 you know, worried that something is going -- you know, the
15 infection will set in and I could eventually lose the foot.

16 **Q Okay.**

17 A I know that it seemed like they were trying, but nothing
18 really was happening --

19 **Q Uh-huh.**

20 A -- as far as, you know, I could tell.

21 **Q All right. And -- but you don't know anything about the**
22 **internal processes of -- at Medical?**

23 A No.

24 **Q Just that they were all worried --**

25 A Uh-huh.

1 Q -- and they were at least trying?

2 A Yeah.

3 Q And you don't know whose responsibility it was?

4 A I would say it would be, you know, Dr. Lomax, but --

5 Q Okay.

6 A -- that's my opinion, I mean.

7 Q Now, the first time you saw Dr. Lomax, do you remember
8 what she did for you that day?

9 A No. I don't remember.

10 Q Okay. Do you remember her telling you she was going to
11 try to get your shoes through security?

12 A Yes. She did say that.

13 Q Okay. Did she give you scripts for treatment call and
14 elevator -- extend your elevator pass and all that business?

15 A Yeah. She also noted that I was -- she told me that if I
16 needed to be set up for outside visits to outside providers,
17 healthcare providers, she wanted to do that.

18 Q Okay. Now, and so really from the time Ms. Kindall saw
19 you on, you were able to have that elevator pass; is that
20 right?

21 A Yeah.

22 Q Okay. So after you saw Dr. Lomax, and I know you saw her
23 twice, I think you got your shoes in between the first visit
24 and the second visit with Dr. Lomax, does that sound right?

25 A I would say so, yeah.

1 Q Okay. Well, the --

2 A I mean --

3 Q The first record that shows that she saw you was February
4 16th?

5 A Yeah.

6 Q Okay. And you -- I think a property record shows you had
7 your shoes on February 19th. So was it three -- could she have
8 done more?

9 A Yeah. I think they all could have done more.

10 Q Okay. Well, what -- if that -- that was coming from your
11 family; is that right, those shoes?

12 A Yes.

13 Q Okay. What else do you think she could have done, what do
14 you think she should have done?

15 A That uh --

16 Q Could you have gotten your shoes any quicker on February
17 16th when you saw Dr. Lomax?

18 A I don't know what she -- you know, she helped get me the
19 phone call to the family and the warden, I don't know, but.

20 Q How did you get your shoes, did someone bring them or did
21 they mail them?

22 A They FedEx'd them overnight.

23 Q Okay. All right. And so that from February 16th to
24 February 19th, you think was too long?

25 MR. FRANSEEN: Object to form.

- 1 Q Okay.
- 2 A It had to be set up first.
- 3 Q Okay. But you were allowed to use the phone --
- 4 A Yes.
- 5 Q -- on the 17th?
- 6 A On the 17th.
- 7 Q And who did you call?
- 8 A I called, was it Brenda or Robbin?
- 9 Q I don't know. I'm asking you.
- 10 A I don't -- I --
- 11 Q Okay.
- 12 A I can't remember.
- 13 Q Okay.
- 14 A I mean --
- 15 Q Now, did you ask your sister -- whichever one it was you
- 16 talked to -- about sending you your shoes to --
- 17 A Yes.
- 18 Q And you received your -- did she send them?
- 19 A Yes.
- 20 Q Okay. And when did you receive them?
- 21 A It probably would have been the 18th or 19th.
- 22 Q And once you received them, you wore your shoes; correct?
- 23 A Yes.
- 24 Q Okay. Now, I want to back up by one day here now. After
- 25 you make this call, and I guess were you pretty sure your shoes

C E R T I F I C A T E

STATE OF ARKANSAS)

)ss

COUNTY OF FAULKNER)

I, DENNIS W. MICKELS, Certified Court Reporter #735, do hereby certify that the facts stated by me in the caption on the foregoing proceedings are true; and that the foregoing proceedings were reported verbatim through the use of the voice-writing method and thereafter transcribed by me or under my direct supervision to the best of my ability, taken at the time and place set out on the caption hereto.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

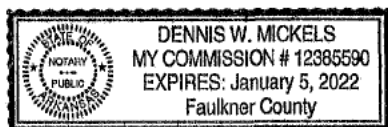
CONWAY COURT REPORTING - 501.679.1488 or 501.319.4807
www.conwaycourtreporting.com

WITNESS MY HAND AND SEAL this 23rd day of November, 2018.



DENNIS W. MICKELS, CCR

Certified Court Reporter #735



SIGNATURE PAGE

I, Carol Shipp, do hereby certify that I have read the foregoing 128 pages of typewritten transcript of my testimony, after necessary translation, given under oath on the 14th day of November, 2018, and that the said transcript and corrections, if any, that appear on the attached errata sheet(s), are true and correct to the best of my memory and belief. Further, that I have signed my name to this signature page and authorize that the same be attached to the original transcript.

12-12-18

DATE

Erica Swearingin

WITNESS

STATE OF ARKANSAS)

COUNTY OF Crawford)

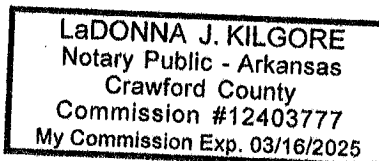
SUBSCRIBED AND SWORN to before me, a Notary Public in and for the aforesaid county and state on this the 12th day of December, 2018.

LaDonna Kilgore

NOTARY PUBLIC

MY COMMISSION EXPIRES:

3/16/2025



ERRATA SHEET

Page _____	Line _____	Change: _____
		To: _____
		Reason: _____
Page _____	Line _____	Change: _____
		To: _____
		Reason: _____
Page _____	Line _____	Change: _____
		To: _____
		Reason: _____
Page _____	Line _____	Change: _____
		To: _____
		Reason: _____
Page _____	Line _____	Change: _____
		To: _____
		Reason: _____
Page _____	Line _____	Change: _____
		To: _____
		Reason: _____

_____	_____	Page _____ of _____
DEPONENT	DATE	